

REMARKS

Claims 1-37 are pending. Claims 1, 11, 20, 27 and 37, the independent claims, have been amended without changing their scope.

Applicant notes that one of the Information Disclosure Statements returned by the Examiner, namely the Statement date-stamped June 15, 2005, did not belong to, and was not filed in, the present application. Although the serial number on the front page of the Statement has the same serial number as the present application, this is clearly a typographical error. This can be seen from the fact that (1) a different serial number appears at the top of page 2 of the Information Disclosure Statement, as well as on the PTO-1449 form; and (2) the name of the inventor, the filing date, and art unit, among other things, do not match the present application.

It is requested that the Information Disclosure Statement date-stamped June 15, 2005 be removed from the file of the present application and associated with the correct application, the serial number for which is listed at page 2 of that Information Disclosure Statement.

Initially, the independent claims were rejected under 35 U.S.C. § 112, second paragraph, because the first recitation of “announced” was preceded by the term “audibly” while the second recitation of “announced” was not. Although it was believed clear as originally filed, to provide consistency of terminology, and without changing the scope of the claim, the independent claims have been amended to also recite “audibly” before the second recitation of the term “announced.” Withdrawal of the rejection is respectfully requested.

Claims 1, 5, 9-11, 15, 16, 19-20, 23, 26-27, 31-32 and 36-37 were rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,806,050 (Shinn et al.) in view of U.S. Patent Publication No. 2002/0091623 (Daniels) and further in view of U.S. Patent Publication No. 2002/0076048 (Hars). Claims 2-4, 12-14, 21-22 and 28-30 were rejected under 35 U.S.C. § 103(a) over Shinn et al. in view of Daniels in view of Hars and further in view of Official Notice taken by the Examiner. Claims 6, 17, 24 and 33-34 were rejected under 35 U.S.C. § 103(a) over Shinn et al. in view of Daniels in view of Hars and further in view of U.S. Patent 5,212,731 (Zimmermann). Claims 7-8, 18, 25 and

35 were rejected under 35 U.S.C. §103(a) over Shinn et al. in view of Daniels in view of Hars and further in view of U.S. Patent 6,574,600 (Fishman et al.).

At point 3 of the Office Action, the position was taken that independent Claims 1, 11, 20, 27 and 37 would have been obvious in view of the combination of Shinn, Daniels and Hars. Applicants respectfully traverse.

First, Applicants agree with the Examiner that Shinn does not specifically teach a trading floor identifier unique to each trading floor is audibly announced to each trading floor. However, in contrast to the position taken in the Office Action, Applicants submit that this feature is neither disclosed in, nor obvious in view of, Hars and Daniels.

Shinn (commonly assigned with the present application) discloses a method for vocalizing information from an electronic brokerage system using international currency exchange incorporating a specialized grammar to emulate the interpersonal trading style and vernacular used by foreign currency brokers catering to the international banking industry (see, e.g., the Abstract).

Daniels is concerned with an electronic real estate trading system in which traders have an identifier. The position was taken in the Office Action that Daniels teaches a trading floor identifier unique to each trading floor. However, this is not what is stated in the passage quoted in the Office Action (page 5, paragraphs [0081 to 0082], which states, “[a] preferred trading floor table includes fields in which a unique trade identifier, an identifier associated with a trader...”. This is *not* the same as the recited trading floor identifier unique to each trading floor.

Hars is concerned with inserting disruptions into digital recordings to protect recordings from illicit or illegal processing. It is particularly concerned with copying CDs and DVDs in the music and film industries. The Office Action equates the announcement recited in the independent claims with the disruption that Hars introduces into a digital recording. Applicants submit that this alleged correspondence is wholly unjustified and completely unrelated to the claim limitation for which it is applied.

In the first place, one of ordinary skill in the art to which Shinn pertains would have no reason to look to the field of CD/DVD copy protection to modify Shinn. Thus, there would have been no reason to make the proposed modifications. In addition, inserting a disruption into a digital recording cannot be said to read on the recited audible announcing of a trading floor identifier unique to each trading floor as included in the independent claims of the present application.

In view of the foregoing, even the combination of all three of Shinn, Daniels and Hars does not disclose all the features of independent Claims 1, 11, 20, 27 and 37. Further, because Hars and Daniels are in technical fields very different from Shinn (real estate and digital recording respectively), the skilled person would not have considered them in seeking to make any modifications to Shinn.

Furthermore, even if the skilled person was aware of the problems described in the Background section of the present application, he/she would not consider modifying Shinn to provide the invention of claims 1, 11, 20, 27 and 37. Shinn is concerned with communicating trading data so as to minimize ambiguities in the data to make the data vocalized to traders as clear as possible (see, for example, column 1, lines 50 to 56).

This is done by, for example, *not* vocalizing the currency of the trade or the other party's identity (see, for example, column 7, lines 44 and 45). The method of Shinn uses a limited vocabulary to make the message unambiguous. The vocabulary used is shown in Tables 2 to 7 of Shinn. The aim of Shinn is to optimize the redundancy of data available to a user to minimize the user's cognitive effort (see column 1, lines 52 to 54).

In contrast to this, the invention of claim 1 requires the ability to vocalize information that is not directly linked to the audible announcement of trading data. It vocalizes data that is not directly relevant to the trades being considered by the trader. This is entirely contrary to the teaching of Shinn. Shinn teaches that the amount of data that is transmitted is minimized. Therefore, even if the skilled person was aware of unique identifiers for each trading floor or institution, he/she would not consider combining this teaching with Shinn. On the contrary, Shinn

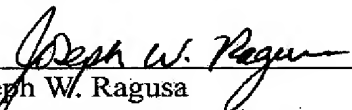
would teach away from announcing such information because it would involve audibly announcing information that was not directly related to the trades being considered by the trader.

In view of the foregoing, even when combined, the references do not teach or suggest the features of the independent claims. Moreover, one of ordinary skill in the art would not have combined them in any event.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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